

January 8, 2007

**City of Milton-Freewater
City Council Minutes**

OATH OF OFFICE FOR NEWLY ELECTED COUNCILORS. At 6:45 p.m. Orrin Lyon, Steve Irving and Ed Chesnut all took their oath of office before the regular session began at 7:00 p.m.

The Council of the City of Milton-Freewater met in regular session Monday, January 8, 2007 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Lewis Key, Councilors Orrin Lyon, Ed Chesnut, Keith Woods, Debbie Kelley and Steve Irving.

Staff members present were Assistant City Manager Linda Hall and Police Chief Mike Gallaher. City Manager Delphine Palmer was not in attendance due to illness.

Citizens present were Robert White, Ben Silva, Brad Humbert, Catherine Anderson, Judy Chesnut, Jeff Anliker, Pat Thomson, Dick Stewart and Merle Sherman.

Press members present were Melanie Hall of the Valley Herald, Kathy Korengal of the Walla Walla Union Bulletin and Allison Cox of the East Oregonian.

CONSENT CALENDAR ITEMS: The consent calendar items consisted of minutes from the December 11, 2006 city council meeting. Councilor Kelley motioned to adopt the consent calendar item. Councilor Woods seconded the motion which passed unanimously.

NEW BUSINESS

INTERVIEWS AND APPOINTMENT OF WARD 2 COUNCILOR TO FILL VACANCY. Assistant City Manager Linda Hall stated that previously, Councilor Ken Records was forced to resign from his position on the Council due to his moving to Walla Walla, Washington, making him ineligible for the position. This has left a vacancy on the Council. Staff advertised for interested applicants and received three by the deadline of December 21, 2006—Brad Humbert, Ben Silva and Robert White. They have all met the preliminary requirements for the office and all three are in attendance.

Each applicant made their own preliminary statement and then answered a question by each member of the Council.

After each applicant participated in the interview process, Mr. Pat Thomson, 304 Lydia, stated he felt this personnel issue should be discussed further within an executive session. Assistant City Manager Linda Hall stated that Council would probably want to accommodate this request; however, they do not have the legal authority to do so. The Council is deliberating on a position that will be voting on behalf of the public, and the public has a right to be privy to the process of the member representing them. Mr. Thomson then stated his desire to have the newspapers report on this issue accurately.

After the interviews were completed, Councilor Chesnut stated that while running in the election against Mr. Humbert, there were several occasions while sitting in the audience during council meetings he hoped a councilor would ask a particular question, and in many cases, it was Mr. Humbert who asked the questions. Once again, his command of the issues that Council will be facing is strong. Councilor Chesnut stated he mentioned this during the campaign process and it still seems appropriate.

Mayor Key stated that Mr. Humbert's experience was evident during the interview process, and although it may be awkward politically, he is still the best applicant.

Councilor Lyon stated that he was impressed with Mr. Silva; that he was not as experienced, but then he did not have a chance to come to the meetings and become informed of the issues after he decided to apply. Councilor Lyon further said he felt he should be someone to consider at another time, but stated he too thought seriously of Mr. Humbert's experience.

Councilor Irving said he had felt very comfortable conferring with Mr. Humbert on several occasions with issues that involved construction or road maintenance. His insights have been valuable and would appreciate continuing to serve with him. Councilor Irving stated he would encourage Mr. Silva to become involved civically for the next six months to a year, perhaps applying to another position on a City committee.

Jeff Anliker, 325 W. Broadway, stated that in the best interest of the City, the City needs to grow. Boundaries need to expand, new businesses are needed, the City needs to be made attractive, and there is not a lot of time for the ball to get rolling. While sitting in council meetings, the ball has been rolling with two people at the helm. Mr. Anliker told the Council they probably knew who the best person is to continue the ball rolling, and, as listening, it's Mr. Humbert. At the same time, he had a starting point and like any of us who have started a new position, you don't know everything to say nor everything to do. But after listening this evening, it is about the urban growth boundary, bringing in new businesses, cleaning up the City, and financially moving forward to make this an independent City from Walla Walla and College Place; to become a self sufficient area.

Councilor Kelley stated she had been serving for over ten years, and there had been times when appointments were done after an election where the Council appointed the loser, in which case the Council heard adverse comments from citizens. Councilor Kelley said she was willing to listen to the adverse comments from citizens, because, just as Mr. Anliker stated, the Council has some big issues to tackle in the very near future. There are too many things that need to be done to wait for people to get up to speed. Mr. Humbert proved himself in the campaign with Councilor Chesnut, that he is cooperative and appreciative of other people's skill, win, lose or draw, and this is who should be on the Council at this time. Mr. White is currently serving on the Planning Commission which is an important position and would like to see Mr. White use his skills at this level by remaining there at this time. Councilor Kelley further said she would like to see Mr. Silva in the business of the City, either on a committee, commission or board and be more visible in the community.

After carefully considering each applicant and their comments during the interview process, Councilor Kelley motioned to appoint Brad Humbert to fill the unexpired term of the Ward 2 Councilor position formerly held by Ken Records. Councilor Irving seconded the motion which passed unanimously.

ELECTION OF COUNCIL PRESIDENT. Assistant City Manager Linda Hall stated that the City's Charter requires the election of a Council President from their membership at the first council meeting of each odd-numbered year. Councilor Kelley has been serving as Council President most recently and it is believed she would continue in this capacity if the Council chooses.

Councilor Woods stated he felt Councilor Kelley did a fine job as president, that when Mayor Key was out of town, she did a good job.

Councilor Lyon motioned to elect Councilor Kelley to serve as Council President. Councilor Woods seconded the motion which passed unanimously.

RESOLUTION NO. 2034 MUTUAL AID AGREEMENT WITH THE CITY OF COLLEGE PLACE FOR POLICE ASSISTANCE. Police Chief Mike Gallaher stated that earlier this year, Council had approved an interstate, mutual-aid agreement with Walla Walla area agencies, the City of Milton-Freewater police department and Umatilla County so as to have a written, signed mutual-aid agreement with those jurisdictions that the City borders. Since that time, the City of College Place has proposed that the City of Milton-Freewater join with them in an agreement supplemental to the Interstate Agreement, specifically to cover fresh pursuit and indemnification of liability purposes. The City of College Place did not feel these issues were clear in the Interstate Agreement. The City of College Place proposal addresses fresh pursuit between our jurisdictions recognizing the authority of Oregon and Washington law on fresh pursuit. The supplemental agreement will officially show recognition of this issue in both jurisdictions. The indemnification of liability is also covered by both Washington and Oregon civil law and the City of Milton-Freewater does not recognize any problem with this issue. Oregon accepts liability for actions and responsibilities as does Washington, but the City of College Place wants to amend the agreement and Chief Gallaher said he was not opposed to that. Chief Gallaher stated he was asking for approval of the mutual agreement contingent upon Mr. Hojem's comments and approval.

Assistant City Manager Linda Hall stated that Mr. Hojem was currently busy litigating several trial cases and has not had the opportunity to respond. Ms. Hall said that instead of pulling the item from the agenda, it was discussed to continue with council's approval contingent upon Mr. Hojem's approval.

Councilor Woods asked if there were a time line on this agreement. Chief Gallaher said he did not believe so as an agreement already exists. Ms. Hall stated that the agreement in place would clarify any legality and liability for the pursuit and would also ensure any arrests that were made more finite with the agreement in place. Chief Gallaher said the amendment does allow for detainment on both sides of the state line when it is determined that a person is wanted in either jurisdiction.

A discussion ensued.

Councilor Chesnut stated he felt uncomfortable passing a resolution without legal review, and also said he felt all the mutual-aid agreements were already in place until the City of College Place said they wanted more. Chief Gallaher said that when the City of College Place sent their first amendment, he discussed this with City Manager Delphine Palmer and there were issues that could not be accepted by the City of Milton-Freewater. The City of College Place then deleted those items to make the agreement amiable to our city. Chief Gallaher said he was in support of the agreement with Mr. Hojem's approval.

Councilor Lyon asked what would happen if Mr. Hojem found the amendment needed modification. Chief Gallaher said at that point, the amendment would then come back before the Council. Ms. Hall stated that if Mr. Hojem did not approve of any part of the amendment, it would then go back to Chief Gallaher and the Chief of Police and City Attorney for the City of College Place. If agreed upon, it would then come back before council. Councilor Lyon said he was comfortable with this process.

Councilor Kelley stated that this had been done before and helps the process move quickly and allows staff to take care of any business necessary.

Councilor Kelley motioned to adopt Resolution No. 2034, Mutual Aid Agreement with the City of College Place for police assistance contingent upon legal review and approval. Councilor Lyon seconded the motion which passed unanimously.

Mayor Key then announced this was the opportunity for citizens to approach the council with issues not on this agenda.

Catherine Anderson, 315 S. Elizabeth, stated she had an experience with a pit bull dog while walking her own greyhound dog. Ms. Anderson continued saying the pit bull came running from a house and she had to fight off the dog in order to protect herself and her dog. She said Chief Gallaher had told her that there is a law on the books that all dogs must be tagged, but she asked how that law was enforced because she said that she and her dog had been subjected to several attacks since she moved to the City. Ms. Anderson generally feels that pit bulls are bred for a specific behavior and asked that council consider banning them from the City limits. She did inform the council that she would gather signatures, do research into other cities that have banned pit bulls, or anything else that may help with this cause.

Assistant City Manager Linda Hall asked Ms. Anderson if her dog was alright. Ms. Anderson said she is, and Ms. Hall asked if her dog was actually bitten. Ms. Anderson said she looked for any injuries but found none. Ms. Hall asked if Ms. Anderson was alright. Ms. Anderson said she was alright but very upset and stated she felt unsafe to walk in her own community. Ms. Hall said Ms. Anderson does have the right to feel safe in her own community and that the City does have laws, but the City does not currently have a full-time or even a part-time code enforcement officer. When cities across the nation experienced budget shortfalls, it was determined by staff and council to have twenty-four (24) hours police coverage and this forced the elimination of the City's civilian code-enforcement position. This does not mean that city staff does not enforce those

ordinances, but instead of having a full-time or part-time code enforcement officer going door-to-door to ensure dogs are tagged, we currently respond by complaint.

Chief Gallaher said police staff has located the residence where the alleged pit-bull resides. The case officer is contacting the other residence on College Street who are friends of the neighbors and will pursue a quarantine. After careful determination as to which dog attacked, the dogs will be quarantined until a vicious animal hearing is held in the next five to ten days.

Jeff Anliker, 325 W. Broadway, stated dogs were a reflection of their owners. Mr. Anliker said he has known a lot of pit bulls that are all really nice dogs. Owners train their dogs to do whatever they want them to do. Leash laws should be enforced, but the City should not ban a particular breed of dog.

COUNCIL ANNOUNCEMENTS

Councilor Kelley stated she had been working with the CVAC Group. This group will be hosting a community forum called “Riding the Wave-Managing Community Change” held at the First Congregational Church, 73 South Palouse in Walla Walla. This will be held Thursday, January 25th from 5:30 p.m. to 8:30 p.m. There will be informal discussions with an expert guest, Ben Warner, Deputy Director Jacksonville Florida Community Council, and also other community leaders. There will be a free, light dinner of pizza and salad and also free child care provided. On Friday, January 26th from 8:00 a.m. to 1:00 p.m., there will be panel and group discussions and Mr. Warner will be the keynote speaker. Mr. Warner is an expert on managing community change. His group, Jacksonville Florida Community Council, has helped many communities through important transitions for over twenty-five (25) years. The CVAC group is inviting leaders throughout the Walla Walla Union Bulletin circulation area. This includes Walla Walla, Milton-Freewater, College Place, Burbank, Waitsburg and Dayton. There will be drinks and snacks provided. There will be two more forums in February and March. Walla Walla County is reviewing their comprehensive plan where discussions of the highway corridor is underway. Councilor Kelley said she was uploading a website, www.wallawallavitalsigns.org and there will be online registration with information following in the newspapers.

Councilor Lyon announced the coronation of the Pioneer Posse Queen, who promotes the City and said he would like to see a significant council presence. Councilor Lyon reminded council to check their invitations and RSVP. Mayor Key asked that Councilor Lyon email a reminder.

Councilor Irving announced that Mr. Jeff Anliker has expressed interest in developing a neighborhood watch program and both will be meeting with others later in the week and hopefully Mr. Anliker will be able to announce at the next council meeting a plan of action.

Councilor Woods stated that the Governor’s office had called and asked him to apply for the advisory committee for the office of rural policy. There are fourteen people on this committee for state senators and representatives. There is no guarantee that he would be appointed to the committee, but if he were appointed, there are four meetings annually.

Councilor Kelley asked what kind of position this is. Councilor Woods said it is an advisory committee to the Governor's office for rules and regulations affecting rural communities. Councilor Kelley then asked if the State would pay for travel to these meetings. Councilor Woods said there was no compensation; that he was expected to drive to where ever the meeting was scheduled within the State without compensation.

Mayor Key said that he along with City Manager Delphine Palmer, Assistant City Manager Linda Hall, Project Manager Howard Moss, Councilor Woods, Eastern Oregon Economic Advisor to the Governor Cheri Davis and Umatilla County Commissioner Dennis Doherty all met in Ms. Palmer's office regarding the highway corridor plan. Mayor Key sensed that Ms. Davis was going to try to organize the first meeting possibly this week for the steering committee and that process. Councilor Kelley asked that all the people in this group are sent an invitation to the forum discussed previously.

There being no further business, the meeting was adjourned at 8:36 p.m.

Lewis S. Key, Mayor